

PROPOSED CONSTITUTIONAL AMENDMENTS

PROPOSED CONSTITUTIONAL AMENDMENT—PUBLIC ASSISTANCE PAYMENTS

S. J. R. No. 41

Proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a of Article III by raising the limit on the amount that may be expended in any one year out of state funds for Public Assistance payments only to Seventy-five Million Dollars (\$75,000,000); providing for the necessary election, form of ballot, proclamation, and publication.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended, so as to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance to and/or medical care for, and for rehabilitation and other services for:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years and are over the age of sixty-five (65) years;

"(2) Needy individuals who are citizens of the United States who shall have passed their eighteenth (18th) birthday but have not passed their sixty-fifth (65th) birthday and who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons who are citizens of the United States and who are over the age of eighteen (18) years;

"(4) Needy children who are citizens of the United States and who are under the age of twenty-one (21) years, and to the caretakers of such children.

"The Legislature may define the residence requirements, if any, for participation in these programs.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or

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medical assistance payments out of state funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal Statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and provided further, that the total amount of money to be expended per fiscal year out of state funds for assistance payments only to recipients of Old Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Seventy-five Million Dollars (\$75,000,000).

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November 1968, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment raising the limit on the amount that may be expended in any one year out of state funds for Public Assistance payments only to Seventy-five Million Dollars (\$75,000,000)."

"AGAINST the Constitutional Amendment raising the limit on the amount that may be expended in any one year out of state funds for Public Assistance payments only to Seventy-five Million Dollars (\$75,000,000)."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and have the same published and held as required by the Constitution and the laws of the State of Texas. The publication of this Amendment shall be limited to the publication of Sections 1 and 2 of this Resolution only.

Passed the Senate on May 22, 1967: Yeas 25, Nays 4; May 29, 1967, Senate concurred in House amendments: Yeas 31, Nays 0; passed by the House on May 27, 1967, with amendments: Yeas 138, Nays 0. Signed by the Governor June 14, 1967.